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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JAE JEONG LYU,
Petitioner,
v.
SUPERIOR COURT OF
CALIFORNIA,
Respondent.

Case No. 2:23-cv-08912-JVS-KES

ORDER DENYING REQUEST FOR
HEARING AND ACCEPTING REPORT
AND RECOMMENDATION OF U.S.
MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition (Dkt. 1), the other records on file herein, and the Report and Recommendation of the U.S. Magistrate Judge (“R&R” at Dkt. 32). No objections to the R&R were filed, and the deadline for filing such objections has passed. The Court accepts the report, findings, and recommendations of the Magistrate Judge.

During the period for filing objections to the R&R, Petitioner did file a motion requesting a hearing. (Dkt. 33.) That motion repeats claims raised in the Petition, i.e., that the attorneys appointed to represent him in his state court criminal trials and/or appeals provided ineffective assistance of counsel. (Compare Dkt. 1 at

1 9-10.) Petitioner is not entitled to an evidentiary hearing on these claims. See
2 generally Cullen v. Pinholster, 563 U.S. 170, 186 (2011). As explained in the
3 R&R, he cannot obtain federal habeas relief on these claims because (a) he was not
4 in custody under the Trish B. convictions when he filed the Petition, and (b) the
5 claims challenging the Vanessa S. convictions are untimely.

6 IT IS THEREFORE ORDERED that the request for hearing (Dkt. 33) is
7 **denied**, and Judgment shall be entered dismissing Claim One for lack of
8 jurisdiction, and dismissing Claims Two through Nine as untimely.

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12 DATED: August 30, 2024



JAMES V. SELNA
UNITED STATES DISTRICT JUDGE